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September 2, 2015

BY ECF

The Honorable Katherine B. Forrest
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Ross Ulbricht,*
14 Cr. 68 (KBF)

Dear Judge Forrest:

This letter is submitted on behalf of Ross Ulbricht, in response to the government's August 31, 2015, letter, requesting the unsealing of the redacted portions of the Court's December 22, 2014, Memorandum Opinion and the two *ex parte* letters from Mr. Ulbricht's counsel referenced in the Opinion.

The *ex parte* letters submitted on Mr. Ulbricht's behalf should remain sealed and *ex parte*. While the trial in this matter has concluded, Mr. Ulbricht still faces charges in the District of Maryland that relate to the very subject matter of those letters, *i.e.*, involving former Drug Enforcement Agent Carl Force. Thus, those letters need to be maintained *ex parte* in light of the still-pending District of Maryland indictment.

While that should decide the issue dispositively, in addition, while trial herein may have concluded, that does not make defense strategies discoverable. The government has not posited any valid reason for unsealing other than its curiosity. Regardless of the status of the case, even posttrial, the government is not entitled to be privy to any defense avenues contemplated but not pursued, or any differences, however trivial, between those considered pretrial and those presented at trial. Also, the information in those letters consists of a combination of confidential and/or privileged defense information.

Nor is the situation symmetrical. The government and a defendant have very different, and constitutionally and ethically based, duties and rights with respect to discovery.

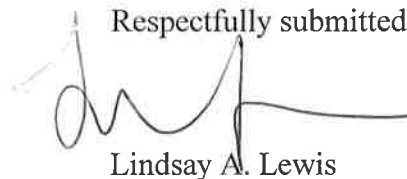
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In addition to the reason for our opposition stated in the government's letter – that the *ex parte* letters “contained information we would never have disclosed in a public letter” – we further oppose the government's request because the information contained in the redacted portions of the Court's Memorandum Opinion, and in our *ex parte* letters, is confidential, and remains so despite the fact that the trial is now over.

Accordingly, the Court should deny the government's motion to unseal the redacted portions of the Court's December 22, 2014, Memorandum Opinion and the two *ex parte* letters from Mr. Ulbricht's counsel referenced in that Opinion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Lindsay A. Lewis', with a long horizontal stroke extending to the right.

Lindsay A. Lewis

LAL/

cc: Serrin Turner
Timothy T. Howard
Assistant United States Attorneys